

An aerial photograph of a city, likely Manchester, showing a dense urban landscape. In the foreground, a canal flows through the city, with several narrowboats moored along its banks. The canal is bordered by a low wall on one side and a road on the other. To the left of the canal, there are several large, multi-story brick buildings with many windows. To the right, there are more buildings, including a large, modern-looking building with a glass facade. In the background, the city skyline is visible, with several tall skyscrapers rising above the lower buildings. The sky is overcast with grey clouds.

# ROWCA

Rosemary Works Community Association  
Response to application numbers 2009/0765 and 2009/0772

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## 1. Introduction

- 1.1. We firmly believe that this application is ill-conceived, ill-prepared and is not in the best interests of the local community or of Hackney. We have sought to back up our points wherever possible by reference to LB Hackney policies, procedures and strategic plans, as well as other governing regulations and larger strategic plans such as the London Plan (in all cases, the use of bold text in quotes is our addition). The application in question clearly flies in the face of current legislation, best practice and research as well as LB Hackneys own commitments and responsibilities to the community it serves.
- 1.2. The Rosemary Works Community Association (RoWCA) is a prime example of just the sort of community action and civic participation that national and local politicians call for. We hope that our voice is heard, and trust in the panel that they will make the best decision possible for the local people of Hackney, both current and future residents. All too often decisions are made that do not prove to be in the long term interests of the community – we hope that the panel will assess this plan with the long-term interests of residents in mind as well as the short term needs, particularly given the current recession.
- 1.3. *Would this development stand the test of time? Would it prove to be a development that the community looked on as time passed and said – “yes – that’s a good development that has added to our community”?* These are critical questions for community members. We are certain that this development would satisfy neither of those questions.
- 1.4. As is evident from the nature of the responses, feelings are very strong amongst the community on this issue – it has taken a lot of joint action to prepare this submission. We have attempted to make the best case we could given only the statutory time available and having to work around our other commitments. We hope the panel will

give our submission the weight that we feel our work on its preparation has earned. The developers have had an array of paid professionals prepare their bid. We have had to work as volunteers in our spare time. We realize that some of our points and references make for rather boring reading, but we felt that the issues at stake are so important that it demanded a dedicated approach from us to put the best case forward that we could so that the panel could make an informed decision.

- 1.5. What is at stake here is not merely just a historic building, part of the local heritage and the visual landscape of the area, but also a strong community. This application threatens people's homes, their businesses and livelihoods, and the strong links into the wider community that have been developed in many cases over way more than a decade. This is a loss on a far greater scale than bricks and mortar and its impact will go far beyond the current tenants of Rosemary Works. It would represent a loss for the local community and indeed on many levels for Hackney. For example many of the SME's currently in Rosemary Works have indicated that if the building were to be knocked down they would likely be forced to relocate out of Hackney.
- 1.6. Rosemary works is a community hub – a place where enterprises and individuals connect; a place where local people can access services in their local community delivered by fellow community members. Rosemary Works and its tenants need to be protected and nurtured by LB Hackney as vital pieces in the rich cultural mosaic of the Borough. Rosemary Works and its tenants are in fact a vibrant part of the almost intangible (but none the less critically important) local social capital – how will this be replaced if the application is approved? The answer is sadly, that it wont be.

## **2 Background**

- 2.1. Across the breath of public service delivery there is a sweeping move to empower communities, to engage and consult with the people who live in the areas that service providers "serve". A raft of legislation and other regulation, over the past few years, has embedded this position in law and local councils are now mandated to follow agendas that empower local residents (and through the Comprehensive Area Assessments they will now be measured on their delivery). National legislation and policies have filtered down to local government and we are arguably at the start of a great revolution in how power and services are distributed and managed in 21<sup>st</sup> Century Britain.
- 2.2. The White Paper: '*Communities in Control: real people, real power*' sets out Communities and Local Government's (CLG) vision for the future of democracy, society and citizens and makes clear its ambition to pass power into the hands of communities. It states "*We want...a refreshing blast of common sense to be applied to decision-making*". We hope that common sense will prevail in this case, and the application will be rejected. The White Paper makes very prominent mention of Planning and clearly states the government position that: "*we want local people to have more of a say in the planning system*".
- 2.3. We see this particular planning application as a litmus test for the community of whether or not all these policies actually mean anything – are they just words, or is this a genuine expression from the corridors of power (both national and local) that the time to really empower and listen to communities has come and crucially that this will be demonstrated by councils in their actions and not just their words.



- 2.4. This wide-ranging approach to engage and empower communities is consistent from Planning to Housing, through to Health, The Police, Education, Employment and beyond. Politicians at all levels bemoan (quite correctly) the very low levels of community participation in the democratic process. Trust in public service providers is at something of a low and this has been further reduced by the recent unearthing of MP expense claims abuses. What is needed to restore public confidence, is public officials really demonstrating that they are listening to local people – that they are acting in the interests of local people, that they back up the fine words and policies with deeds that are in line with them. We hope that our collective words do not fall on deaf ears in this instance.
- 2.5. An empowered community has been shown to be more resilient, able to anticipate changes and take action in advance and to find solutions collectively to problems as they arise. This has been shown to be the case in various recent research reports (including *Newman and Blackburn, 'Resilience and Young People Leaving Care', 2002* and *S. Creasy, K. Gavelin, D. Potter 'Everybody Needs Good Neighbours', Involve 2008*). The Rosemary Works community is an empowered community and in this time when strengthening communities is such a top priority, it seems counter productive to be destroying community rather than building on it.

### **3 Description of Rosemary Works**

- 3.1. The description of Rosemary Works contained in the Design and Access Statement for the plan painted a particular picture of the building, its current occupants and the role it plays in the wider community. We do not accept that the picture they paint is either accurate or a fair representation. At the most charitable of interpretation, the D&A description is merely a reflection of the woeful lack of consultation that occurred during the scheme development (if they had only asked they would have found out all the amazing things that tenants are doing here). At the least charitable interpretation, the description was an attempt to miss-lead the panel into thinking that the building usage was marginal at best. We will now tell you our version of the Rosemary Works story.
- 3.2. We do not pretend that the Rosemary Works building is not an old building that has perhaps seen better days. We do not pretend that it represents the latest building standards in terms of its environmental credentials. It could definitely use a lick of paint here and there. But it is a building that is well loved, by its tenants and the wider community – a building that reminds Hackney of its history – a building that has charm in amongst so much charmless architecture. It has character, and in fact we believe that it is perhaps one of the very last such building of its type left standing on the canal side in this part of Hackney. Through the activities of its tenants, it also plays an important role in the overall social fabric of the local community.
- 3.3. Rosemary Works is fully occupied, almost entirely by long-term tenants who are deeply committed to the building and to the community – they are in fact an integral part of the community. The range of practices, enterprises, trades, and commercial usage is quite extraordinary, many of which are run by women. This is truly a diverse group of individuals and organisations that contains both the historic usages of fur trade and wood-working as well as the more recent additions of the creative industries of film, photography, graphic and environmental design and other artistic

practices. What is consistent across this diversity of industry and professions is the very high level of quality of product and services that are produced here. Many of the tenants are arguably at the top of their individual fields, while there is also a good mix of younger people at the earlier stages of their careers.

- 3.4. There is a very well known nursery at the top end of the building that is a vital, much loved part of the local community providing top quality care and education for almost 100 local children. The range of other professions and trades include:
- a caterer
  - a top film maker
  - an upholsterer;
  - joinery;
  - graphic designers;
  - furniture & exhibition design
  - photographers (3 in all)
  - artists
  - musicians
  - youth worker
  - bespoke costumier
  - fashion designer
  - environmental designer
  - traditional fur craftsmen
  - carpenter
  - Furniture restoration, Retail, and Interior design
  - installation designer
  - primary school teaching assistant
  - drama teacher for children
  - art events production/sound engineer
  - art direction, set design & construction, model making for film & photography

For more information about the diversity activities in Rosemary Works, visit [www.rowca.com](http://www.rowca.com)

- 3.5. Many tenants run their businesses here, some as home office or live-work, others purely commercial. The building is alive with activity in the daytime, and is not an empty shell either at night as people live here in the building.
- 3.6. The smell of fine food cooking in Rob's kitchen, the sounds of laughter, and carpentry, and live music and of little children playing – these form the day to day background experience to life in Rosemary Works.
- 3.7. There is a real sense of community spirit both amongst the residents and also between the residents and the local community. People help each other out, they work together on joint projects, and at a most basic level treat each other like neighbours in the old sense of the word. Relationships that have been built up slowly over many, many years with the wider local community are threatened by this development. A rich piece of local social capital will be lost to the area if the current tenants are forced to leave.
- 3.8. Despite its faults, the peeling paint and sometimes dodgy boilers that fail in the winter, this is a building that the tenants really love (how often can that be truly said). It is a building that the community really love (and how often can that be said as well) as can be evidenced by the large number of signatures we collected for our petition, and by how happy our fellow community members were to sign (as well as by how



strongly they voiced their support for what we were doing). We cannot possibly count the number of times we were wished the best of luck with our attempt to stop the destruction of Rosemary Works. We believe that had time permitted we could have easily collected 10 times the number of signatures.

- 3.9. Units in Rosemary Works become filled as soon as they become available (sometimes within hours), because it is known, that this is a good place to work and live. This is what is really meant when people talk about a sustainable community: a range of people, from different backgrounds, from many different countries, of different ages, with a wide range of skills and services that they provide to the community; living and working together without problems and conflict.
- 3.10. Rosemary Works is like a reflection of Hackney itself – a little run down in ways perhaps, but full of creative and productive energy – a great place to live and work. The building itself not only shows the architectural progression since the Victorian era, but actually represents Hackney in that it looks like an original, Hackney property. The new proposed development looks like it could come from anywhere and nowhere at all (another soulless shell); what will Hackney be like, if all its architectural uniqueness is replaced with modern multi-floor complexes? What is the point in protecting the Regents Canal Conservation Area if all the old beautiful buildings are replaced with modern housing complexes?
- 3.11. Nowhere is perfect and there are many improvements that could be made to the building – to improve the environmental efficiency, the general appearance etc. RoWCA would love to work with the building owners, and the council to make these sorts of improvements a reality. But to destroy such a rich and vibrant community to make way for another cookie-cutter housing development would make a mockery the LB Hackney claims to be trying to foster community. This would not be development in the true sense of the word - as in progress and improvement. It would be the loss of something irreplaceable.
- 3.12. We also naturally do not accept the dismal photos of the building that were submitted in the D&A as a fair representation of the building or its position in relation to the surrounding landscape. We ask that the panel take into consideration the photos we have included in Appendix 1 and that these be treated as the views that the panel bases its decisions on. \* see appendix 1, pictures 1-4

## **4 Summary of the Issues**

- 4.1. The reasons we have to oppose this application run practically the entire gamut of possible objections to a planning application. They range from strategic design and comprehensive development issues to those related to the historic environment and the local biodiversity.
- 4.2. We have not sought to object to the small details in the scheme, we have looked at it as a whole and reject it in its entirety. The lack of the required community consultation and the absence of any kind of Environmental Impact Assessment are critical issues. Both of these points can be considered as deal-breakers and the application should quite clearly be rejected on these grounds alone.

# Detailed breakdown of reasons to oppose the application

## 5 Lack of community involvement

5.1. We firmly believe that the application as stands is in breach of the London Borough of Hackney's Development Framework and in particular the Statement of Community Involvement (SCI) and Sustainable Communities Strategy (SCS). This in turn puts it in breach of the governing legislation that mandated the SCI in the first place. For this reason alone this application ought to be rejected.

5.2. We take heart from the strong position about community involvement that is expressed in the Team Hackney Local Area Agreement (LAA):

*"Team Hackney is committed to building stronger communities by strengthening community engagement and participation and promoting cohesion. This is clearly reflected in the unifying themes of this LAA. Our priority is to ensure engagement in partnership – empowering local people to have a greater choice and influence over local decision making and a greater role in public service delivery.*

- Developing mechanisms for local people to have a voice at a local and neighbourhood level that feeds into Team Hackney's decision making process*
- Support the increased capacity of local people and local organisations to contribute to / deliver the 5 LAA priority outcomes*
- To empower local people to become agents of change in their local areas and communities."* (p35 Team Hackney LAA)

5.3. It is our clear understanding that the Planning and Compulsory Purchase Act (2004) require a **"frontloading" approach with the use of effective consultation.**

5.4. This has not happened in any shape or form in this application, and the minimum requirements for community involvement (as set out in the LB Hackney SCI) have clearly not been met. In fact, it is our submission that none of the required community involvement activities as outlined in the SCI under the "key stakeholder engagement" phase actually occurred.

5.5. Contrary to the representation made in the Design and Access Statement, **there was absolutely no consultation with the current tenants of the building** about the proposed development. Only one tenant (out of the many long and short term tenants) was spoken to in any way about the proposed development; this was a long time ago and took the form of general background conversations. It could not be accurately represented as consultation on the proposed development plan itself.

5.6. For the other tenants, the first they heard about it was when a letter arrived from the Council at the end of April 2009 followed by posted notices in the second week of May.



- 5.7. A development of this size, in such a critical location, demands effective community involvement in the planning process for very good reason. We believe that any consultation regarding the development of Rosemary Works should be effective and wide ranging, and at an absolute minimum include the residents of the neighbouring estates (Colville and De Beauvoir) as well as of course the current building tenants and other stakeholders such as British Waterways and local conservation groups.
- 5.8. We do not in any way accept the argument put forward in the Design and Access Statement that the residents of the Colville Estate were not consulted as it “*may result in objections from residents who may not actually be opposed to the scheme.*” **This represents a clear attempt to avoid consultation with the local community** by assuming that they are not capable of knowing if they are genuinely objecting to the development application or not. It displays a total lack of understanding (or disregard) of the most basic principals of community involvement as well as scant regard as to how this can be achieved in practice.
- 5.9. We were rather surprised to read in the Design and Access Statement that this avoidance of consultation was made under guidance from LB Hackney, as we believe it runs counter to a raft of LB Hackney policies around community involvement (both in the planning context and the wider community involvement agenda).

*“...the key to making best use of resources for the well-being of local communities is to enable communities to make their own choices where possible and include them in the design and delivery of services through co-production. These will help to obtain better outcomes and improve understanding and satisfaction. This, in turn, relies on local government engaging with local communities to understand their preferences for services and other aspects of local government activities.”*

Lyons Inquiry into Local Government 2007

- 5.10. The Empowerment White Paper “Communities in Control: *real people, real power*” (published in July 2008) also has significant and prominent points that are relevant to **strengthening community involvement in the Planning process**. The White Paper focuses on seven areas – all from the perspective of an individual citizen. They are; active citizens, access to information, **having an influence**, accountability, redress, standing for office and **community control**. We believe that out of these 7 areas, all but 2 (redress and standing for office) are relevant to our response to this application.
- 5.11. It is crystal clear from this White Paper that councils are mandated to really support and encourage the community to be involved in the Planning process. Amongst other measures to support this process, funds were made available to promote community involvement in the planning process as well as funds earmarked specifically to support community engagement in planning.
- 5.12. “*A few issues, **for example planning**, will need to be dealt with differently to reflect existing robust statutory processes for public participation and consultation. Petitions are already used extensively by local communities to express their views on planning matters. Local **planning authorities are already legally required to address representations, including petitions**, by taking relevant comments into account and by making their decision and the reasons for it public.*” (section 4.11 Empowerment White Paper)

- 5.13. We believe that the following documents and references support our claim that this application is fatally flawed in terms of a lack of community involvement. As well as being contrary to Hackneys own LDF Statement of Community Involvement and the Sustainable Communities Strategy there are points that run contrary to items in both saved policies in the UDP, PPG1, PPG3 and the LONDON PLAN. There is also
- 5.14. *“Community involvement in planning should not be a reactive, tick-box, process. It should enable the local community to say what sort of place they want to live in at a stage when this can make a difference.”* (42,43/PPG1)
- 5.15. Community involvement should allow for communication, suggestions, participation and consultation as well as feedback. This has not happened in the development of this scheme.
- 5.16. *“Creating mechanisms to ensure that development and services meet local people’s needs, and that people are empowered to take their own decisions at the neighbourhood level, is vital to creating vibrant neighbourhoods and a sense of community. This section outlines policies to ensure communities and neighbourhoods not only benefit from growth but are also engaged in the development process.”* (3.96/LONDON PLAN)
- 5.17. *“An inclusive approach should be taken to ensure that different groups have the opportunity to participate and are not disadvantaged in the process”* (42/PPS1). In this case, the approach was far from inclusive, in fact it directly excluded Colville under very dubious logic. The confusion around noticing and the lack of the D&A Statement from the website definitely disadvantaged the community in the process.
- 5.18. Inclusive design that offers local *“communities real opportunities to influence how they want their areas to develop. More effective community involvement is a key element of the Government’s planning reforms.”* (5 + 11/PPG1)
- 5.19. *“a positive attitude towards early engagement in pre-application discussions...In the course of such discussions proposals can be adapted to ensure that they better reflect community aspirations and that applications are complete and address all the relevant issues”.* (12/PPS1)
- 5.20. Post application discussions are not significant enough to meet the required objectives. There was no pre-application engagement or discussions with tenants, local conservation groups or community members.
- 5.21. *“Many policies in this plan aim to ensure an inclusive London that builds upon its diversity, and is sensitive to the needs and preferences of its constituent groups. The Mayor places particular priority on ensuring that as London develops and changes, it does so explicitly taking into account, and where possible addressing, the needs of communities and other groups posing particular strategic planning issues as outlined above”* (3.72/LONDON PLAN)
- 5.22. A greater involvement of the community would have highlighted *“community strategies”* raised in the London Plan including employment issues (3A.23 LONDON PLAN)
- 5.23. Undertaking social and economic impact assessments should have been carried out this should have involved the local community. (3A.25 LONDON PLAN)



- 5.24. Funding opportunities and possible community benefits are being missed by ignoring the existing community in this scheme through the lack of involvement (3.98 +3.104 LONDON PLAN)
- 5.25. Additionally we notice that this aspect of our submission also is relevant to one of the mandatory outcomes in the LAA: to *“empower local people to have a greater voice and influence over local decision making and a greater role in public service delivery”*. It also links to the 3 mandatory indicators that relate to this mandatory outcome, namely:
- *“Percentage of residents who feel they can influence decisions affecting their local area.*
  - *Percentage of residents who feel that their local area is a place where people from different backgrounds get on well together.*
  - *An increase in the number of people recorded as or reporting that they have engaged in formal volunteering on a average of at least two hours per week over the past year.”* (p49 Team Hackney LAA)
- 5.26. The LAA also lists that the five priority areas are underpinned by:  
*Engagement in partnership*  
*“This will promote citizenship and respect, responsibility for self, surroundings, and the community. It will ensure that people are able to influence decision making and feel a valued part of the community, including promoting community leadership...”*p12
- 5.27. In conclusion on this aspect of our submission we once again look to the LAA, where the overall approach to the LAA and service delivery is described in the following way:  
*“All involved recognise that no partner can do this on their own and **it is only by local people and local organisations working together that we can really bring about lasting change.***
- 5.28. *“Hackney’s LSP used to be known as the Hackney Strategic Partnership but changed its name to Team Hackney in February 2006. The name changed to show how we all need to be part of the same team for a better Hackney...Team Hackney is committed to working together to deliver these improvements. For the partnership to be successful we all need to develop ideas co-operatively. This involves changing the ways we work, reallocating resources and adapting initiatives and schemes so that they tackle issues that really matter to local people.”* (Team Hackney LAA p 94)

## 6 Not comprehensive development

- 6.1. This application does not represent comprehensive development. In fact it represents the very worst sort of piece-meal development that is no good at all for the local community or for Hackney, or for that matter, for London. Good development is comprehensive, well thought out and inclusive of communities.
- 6.2. In this instance, the redevelopment of Rosemary Works will have a huge potential impact on the larger redevelopment of the surrounding areas. In particular we refer to the ongoing discussions regarding the future plans for the Colville Estate that is right next door to Rosemary Works.

- 6.3. It is well known that at some point a master plan will be agreed for Colville and it makes absolutely no sense to agree a huge redevelopment of Rosemary Works until this master plan for Colville is designed and agreed.
- 6.4. The recent application for 29 Branch Place, granted planning permission on appeal, is a relevant contextual issue to this development. It has not been assessed, considered or even mentioned in this application. This cannot be comprehensive when a neighbouring building is still referred to as an empty factory building when it has permission to be converted into 23 family units and a large commercial space.
- 6.5. This proposed high-rise development directly to the North of the Colville Estate will greatly impact on what is possible for the redevelopment of Colville. Combined with the already granted development permission for 29 Branch Place, this is a clear indication of over-development in this area.
- 6.6. The community in Colville and the wider local community should not be held hostage in their plans for a large area redevelopment, by the premature development of the much, much smaller, but geographically significant Rosemary Works building.
- 6.7. This corner of Hackney that covers the area from Shoreditch Park to the South to the canal in the North is ripe for sensible, well-planned regeneration. This is a significant area of Hackney, in an absolutely prime location, and it demands joined up thinking and careful strategic master-planning. This is not some hidden away back corner of the Borough - it is center stage and deserves to be regenerated and developed with this in mind.

## 7 Conservation and Environment

- 7.1. We approve of the stance on taking care of the environment during planning, taken by CLG:  
 "Ensuring sustainability and minimising adverse impact on the environment are **crucial aspects of the planning agenda**. Both apply **at all scales, from individual buildings and developments** to national and international policy and are key parts of the Government's commitment to sustainable development and the creation of sustainable communities. Assessing the sustainability and environmental impact of developments and policy **prior to implementation** is one of the first key stages in meeting these commitments." (CLG Website)
- 7.2. The regulations and guidelines for councils are clearly laid out in terms of assessing planning applications in regard to Environmental Impact Assessments (EIA's) and Environmental Statements (ES's). Both legislation and subsequent case law support the position that the directions to councils re EIA's and ES's are requirements to which councils will be held to account. The Environmental Impact Assessment Directive is governed by European law, and the European Court of Justice *"has consistently held that in its application it is to be interpreted as having a "wide scope and broad purpose"*
- 7.3. We believe that this application clearly falls under 'Schedule 2 Projects'. If not here, then the question arises: what possible location for an urban development project would demand a Schedule 2 designation? The canal side location as well its

situation inside a Conservation area, as well as its cultural and historic significance make it clear that a re-development here will have a significant environmental impact that would demand careful scientific consideration.

- 7.4. As to the question of when an EIA is needed, the Notes say the following:  
*"In the main they apply to large-scale developments where there is obvious potential for environment damage. But the size of a project is not the only criterion. The key issue to be considered is whether a project is likely to have a significant effect on the environment. Small-scale projects in or close to sensitive areas can have effects just as damaging as those from large-scale development."*
- 7.5. *"There are two classes of project. Schedule 1 of the EIA Regulations lists those for which EIA is mandatory. Schedule 2 lists those where the planning authority is required to consider whether the project is likely to have a significant effect on the environment. Where this is the case, EIA must also be carried out. There is no discretion not to require EIA simply because other information about the project is available."*
- 7.6. The Notes to the Directive caution councils that *"neither the Directive nor the EIA Regulations refer to specifically "housing development". But it would be a mistake to consider that housing development does not fall within the ambit of "urban development projects"."*
- 7.7. It also instructs councils that *"particular care is needed when considering development that could fall within the categories of "industrial estate development" and "urban development projects" listed under 'Infrastructure' projects (Schedule 2.10 projects)."*
- 7.8. Each stage in the process that is laid out below as the authority's role has its own set of strictly prescribed activities. We are unaware that any of these activities have been carried out in the processing of this application and we request full clarification on this point from the council. If these actions have not been taken, the application process becomes invalid and the application ought to be rejected.
- 7.9. *"The authority's roles involve*
- *"screening" to determine whether a project requires EIA*
  - *"scoping" to advise the applicant of the likely, significant effects on the environment that it wants to see addressed in the ES*
  - *"consulting" with statutory consultees, members of the public and others who may have views to establish their view on the proposal and the ES*
  - *"evaluating" the environmental information presented in the ES and any representations made before making a decision and publicising the decision.*

**7.10. Screening**

*"A copy of the screening opinion/screening direction has to be made available for public inspection at all reasonable hours at the place where the planning register is kept."*

We are unaware if a screening opinion was ever made for this application. If it was, we have not seen it, or been made aware of its existence. Either way, the prescribed procedures have not been followed.



#### 7.11. Environmental Impact Assessment

We believe that a full EIA and ES should have been done on the proposed development.

*“...the authority must ensure that the applicant carries out an assessment and prepares and submits to the planning authority a report that identifies, describes and assesses the effects that the project is likely to have on the environment. The process is referred to as Environmental Impact Assessment (EIA), the report as the Environmental Statement (ES).”*

- 7.12. *“Members of the public, and statutory consultees, must be given the opportunity to comment on the ES. Before any decision to approve the application may be taken, the planning authority must take into account the ES and any representations made about the environmental effects by the public or consultees. And they must state in their decision that they have done so.”* (CLG Website)

#### 7.13. Evaluating the environmental statement

*“The planning authority is responsible for evaluating the ES to ensure it addresses all of the relevant environmental issues and that the information is presented accurately, clearly and systematically. It should be prepared to challenge the findings of the ES if it believes they are not adequately supported by scientific evidence. If it believes that key issues are not fully addressed, or not addressed at all, it **must** [their bold] request further information. The authority has to ensure that it has in its possession all relevant environmental information about the likely significant environmental effects of the project **before it makes its decision whether to grant planning permission. It is too late to address the issues after planning permission has been granted.**”*

- 7.14. The notes re-iterate this point in the guidance on the scoping opinion:

*“it is important to stress that the authority must obtain all the information it needs to assess and evaluate the likely significant environmental effects of the proposal before it reaches its decision. It cannot adopt a “wait and see” approach or impose a condition requesting further work to identify the likely environmental effects after permission has been granted. It must be sure that all of these have been identified and taken into account before granting planning permission.”* (Note on Environmental Impact Assessment Directive for Local Planning Authorities)

- 7.15. It is clear that **no pre-planning consultation** with conservation groups has occurred this not only further indicates the lack of concern for community benefit but also that this is a systematic methodology to down play any opposition that is likely to be met. All conservation area groups we have spoken to are in opposition to the scheme.

- 7.16. The ecological report confirms that a scheme of this nature will have significant detrimental affects of the ecology of the area. It has not been sufficiently investigated if endangered species are present on the site such as bats. As such the scheme cannot possibly enhance the ecological value of area. (PPG 9. 12)

## 8 Biodiversity

- 8.1. The canal is a natural wildlife corridor, and Rosemary Works is a haven for many species of mammal and birds. Amongst other resident bird species, geese, swans, moorhens, coots and ducks all regularly nest on the building edge. Rosemary Works

building actually provides the only riparian (waterside) vegetation in this area of the canal (as the aerial photo clearly demonstrates). \* see Appendix 1, pictures 5-6

- 8.2. Rosemary Works can be described as a “**local biodiversity richness hotspot**”. Biodiversity is not distributed evenly in an ecosystem – some places have lots of it, others very little. In an urban environment these “hotspots” are critical to maintain species diversity and population numbers over a much larger area than they cover themselves.
- 8.3. They provide **critical reproductive habitat** as well as serving as a “**refuge**” for wildlife – a place where wildlife finds shelter from the stressors of the harsher environment outside of these “hotspots”. They act also as “source” populations, which compensate for the “sink” populations that surround them. This means **when you remove a “hotspot” you reduce biodiversity over a large area.**
- 8.4. This increased diversity at a “hotspot” would typically extend even down to the diversity and abundance of insects. It must be remembered that insects are vital both for pollination and as a major food source for birds, fish and bats.
- 8.5. **Bats**  
Bats are frequently sighted at Rosemary Works and we believe there to be a significant resident bat population. Given its canal side location and the age of the building we believe that a full bat survey should have been undertaken as part of the design preparation. Until the exact size and composition of the resident bat population is determined, their significance in terms of Planning cannot be gauged.
- All UK bats are protected as endangered species, though some are of course more rare than others. A recently shot video of the resident bats can be found posted on the RoWCA website.
- 8.6. PPS9 states that **the presence of a protected species is a material consideration** when considering a development proposal that could harm the species or its habitat.
- 8.7. *“When dealing with cases where a European protected species may be affected, a planning authority is a competent authority within the meaning of regulation 6 of the Habitats Regulations, and therefore has a **statutory duty** under regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions. So the Directive’s provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them **fully into account**. The Directive’s requirements include a strict system of protection for European protected species, prohibiting deliberate killing, catching or disturbing of species, the taking of eggs etc and **damage to or destruction of their breeding sites or resting places**. Derogations from this strict protection are allowed only in certain limited circumstances and subject to certain tests being met). Planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements, in reaching planning decisions, and **this may potentially justify a refusal of planning permission.**” (para 116 ODPM Circular 06/2005)*
- 8.8. All species of both the Typical Bat (Vespertilionidae) and The Horseshoe Bat (Rhinolophidae) are European protected species.
- 8.9. Paragraph 99 of the ODPM Circular 06/2005 demonstrate the clear need in the case of Rosemary Works, for a full bat survey prior to application approval:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, **is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.** The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, **developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.** Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.”*

- 8.10. The likelihood of the presence of bats in the building was always going to be far greater than “reasonable” given the age and location of the building. In any case their presence could have been easily confirmed by asking tenants as part of a consultation process.



## 9 Historic environment

- 9.1. Rosemary Works forms a part of the rich local history and is a visual reminder of that history. With the Briggs building across the canal and the two old pubs, it forms an architectural cross that is a significant part of the local visual landscape.

*“It is the area as a whole rather than the specific buildings that is of special interest... The special character of these areas does not come from the quality of their buildings alone. The historic layout of roads, paths and boundaries; characteristic building and paving materials; **a particular 'mix' of building uses**; public and private spaces, such as gardens, parks and greens; and trees and street furniture, which contribute to particular views - all these and more make up the familiar local scene. **Conservation Areas give broader protection than listing individual buildings: all the features listed or otherwise, within the area, are recognised as part of its character.**”*

(Regents Canal Conservation Area Appraisal)

- 9.2. All of the buildings that form Rosemary Works are of **townscape importance within a conservation area**. Conservation areas are defined by a correct **mix** of important warehouse buildings. As it currently stands the rich mix of style and era evident in the outer structure of the Rosemary Works building represents a **historical timeline** of local canal side warehouse buildings. The history stretches back to the Victorian era and to our knowledge the building has been in constant occupation and use since that time.
- 9.3. The proposal makes an attempt to retain the head building but does not acknowledge the significance of the historical mix as described in the Regents Canal Conservation area appraisal. **All of the buildings are indicated as being of townscape importance in this document which was itself only recently adopted by Hackney planning department to be used as a material consideration.**
- 9.4. **All the local conservation area groups have objected strongly** to the demolition or change of any of the mix of buildings on the site. They have done so on multiple grounds including that the proposed development would **greatly damage the character and appearance of the area.**
- 9.5. *"The council will **only** normally permit development proposals within, adjacent or affecting a conservation area **which would preserve or enhance its character or appearance**" (Hackney UDP saved policy EQ12)*
- 9.6. *"The council will take appropriate action to secure the retention and enhancement of buildings and structures if of local significance which are not on the statutory list" (Hackney UDP saved policy EQ20)*



## 10 Housing

- 10.1. Rosemary works as it exists provides much needed accommodation of: affordable units (live / work as well as home work units) and affordable commercial units. The majority groupings of activities within Rosemary works are within the creative growth



sectors as highlighted by government papers (Music, fashion and Film) as well as other growth sectors such as environmental and community based activities.

- 10.2. An opportunity exists to encourage these to activities grow, expand and encourage incomers. The housing development as proposed will lead toward a steady downturn the existing true mix. No indication is given as to how these new commercial units will sustain the current activity, which indicates this is of no importance to the scheme. There also seems to be no association with any Registered Social Landlords with regards to the allocation and management of the proposed units. In the current climate there is no indication that this scheme is in any way economically viable if it were to be actually built. This gives the impression that the application is being made purely for the resale value, which cannot in any way be inline with the ideas of sustainable community and cohesive growth set out below.

10.3. **Loss of affordable units.**

PPG3 sets of a definition of affordable housing. Under this definition many of the units within Rosemary works should currently be considered as intermediate affordable units. (Annex B - PPG3). The Local authority should therefore consider the loss of these units prior calculating the number of new affordable units given in the proposed scheme. (3.26 LONDON PLAN)

- 10.4. *"Intermediate Housing – Sub-market housing which is above target rents, but is substantially below open market levels and is affordable by households on incomes of less than £40,000 "*

- 10.5. PPG3 also requires a need to deliver *"low cost market housing as part of this housing mix"* - this is currently also being provided by Rosemary Works (25 - PPS3)

- 10.6. *"The provision of new housing should also help support economic growth and offer a range of choices for new households, including affordable housing."* (3.6 – LONDON PLAN)

10.7. **Current market factors**

PPG3 sets out principles to be taken into consideration, these include *"Market Responsiveness, Collaborative Working and Evidence based policy approach."* (11 - PPS3).

- 10.8. The current market where new build private sale units are being sold at a massively reduced rate in an economic climate of recession could never support a scheme that involves a severe loss of employment area and affordable housing for a majority private sale housing scheme. New housing should support economic growth this scheme does not.

- 10.9. Rosemary Works as it stands, is a true mixed use scheme and a good example of co-housing this should be promoted not destroyed.

- 10.10. *"help to promote mixed and balanced communities by taking account of changes in household characteristics and lifestyles and by offering a range of housing types and sizes. Boroughs should also promote new concepts of urban living, such as co-housing communities."* (3.18 – LONDON PLAN)

#### 10.11. **Suitability**

- 10.12. If sufficient collaboration with stakeholders had occurred as recommended under point 32 in PPS3, indication would be that the site is not suitable for the proposed development. A site should be available, suitable and achievable.  
(54 + 69 - PPS3)
- 10.13. It is clear that *"boroughs should take account of economic viability and the most effective use of private and public investment"* (3.41 – LONDON PLAN)
- 10.14. Create more successful sustainable forms of development and balanced communities this scheme does not endeavor to do this.
- 10.15. *"Mixed-use development creates greater use of buildings and areas throughout the day and night, promotes more sustainable forms of development and reduces the need to travel."* (3.52 – LONDON PLAN)
- 10.16. Attempts to engage with the waterway are somewhat weak and with minimal stakeholder engagement
- 10.17. Proposals for tall buildings on waterways should meet the requirement set out above. (4.59 – LONDON PLAN)
- 10.18. *"The Council will give favourable consideration to mixed use developments which incorporate arts, culture and entertainment facilities, subject to other policies in the plans"* (ACE2 – Hackney Saved UDP).
- 10.19. The Council will normally resist the loss of an arts, culture and entertainment facility unless it is satisfied that an adequate replacement will be made or a continued arts, culture or entertainment use is no longer required. (ACE3 – Hackney Saved UDP)
- 10.20. We believe that Rosemary Works could be currently described as an arts and cultural facility given the presence of various artists studios and other facilities and its role as a creative cluster.

## **11 Overdevelopment**

- 11.1. The proposed scheme represents a clear overdevelopment of the land. Rosemary Works occupies a thin strip of land bordered by the canal to the North and the narrow Branch place to the South, separating Rosemary Works from the large Colville estate. In combination with the accepted development of 23 flats at 29 Branch place this could lead to in effect a total of over 250 new residents at the end of a narrow cul-de-sac with clear issues surrounding access, parking as well as increased pressure on local services. see Appendix 1, pictures 7-8

## 12 Making best use of land

- 12.1. The council have a duty to assess this application in terms of the criteria: is this proposed development the best use of land? We believe that another modern housing development is clearly not the best use of land for this property. It currently acts as a creative cluster, and it provides employment for a significant number of local people as well as some affordable accommodation.

## 13 Current building usage

- 13.1. The scheme makes no attempt to consider the nature of existing employment areas and provides a new commercial floor area that falls short of the existing. No attempt prior to application has been made to consult the current tenants as to their needs and requirements. This seems inconsistent with Hackneys achievements and goals in terms of employment and training especially within the highlighted growth sectors of north East London. A variety of current tenants are involved in school leaver training as well as having close links to Hackney Community College both as students and staff and of course there is the nursery.
- 13.2. The inappropriateness of the site for the proposed development is also highlighted by **existence of key creative industries** in Rosemary Works including *“music, fashion and film. The sector is clustered in Soho, City fringe and parts of west London. There are also **smaller or emerging clusters** in Southwalk, **Hackney**, the Lower Lea Valley and Deptford Creekside. Factors that influence clusters include **the availability of low cost workspace. Cultural Quarters should be encouraged within identified priority regeneration areas** (see Chapter 3, Part D) and mechanisms should be established to promote sustainable property management.”* (3.139 – LONDON PLAN)
- 13.3. We believe that the cluster of creative industries in Rosemary Works and the wider local community has this be one of the cultural Quarters of Hackney referred to above.
- 13.4. *“Creative enterprises often group together in networks that provide modes of communication, knowledge exchange, business support and learning, but often lack organisational and administrative structures for sustainable growth. They also provide opportunities for reducing overheads through shared resources.”* (3.140 – LONDON PLAN)
- 13.5. Rosemary Works as currently existing allows for cross-fertilization of industries and creative disciplines. No attempt has been made to enhance these and any development will disperse this working culture prior to any possible continuation.
- 13.6. *“London must plan to take advantage of the new growth opportunities, which will have economic, social and environmental benefits, including new opportunities for business start ups, development of small and medium sized enterprises and growth and employment at a range of skills levels.”* (3.145 – LONDON PLAN)

- 13.7. There is no guarantee that in this proposed scheme the Nursery will move back into a new development which may lead to a loss of these facilities in Hackney. There is also no guarantee that were they to move back that the new premises would receive Ofsted approval.
- 13.8. There is no guarantee that in this scheme the members of the current community (with voluntary aspects) will move back into a new development as rental is likely to be on a market basis and beyond the means of the current tenants, this will lead to a loss and dispersment of this creative cluster for Hackney.
- 13.9. There should be a restriction that equivalent affordable arts units are required or a suitable alternative accommodation be provided by the council.



## 14 Sustainability

- 14.1. The foundation for sustainability (as highlighted by PPS1 above) is the inclusion of existing communities in the design and development of schemes. This clearly has not been adhered to.
- 14.2. The proposed scheme makes claims towards sustainability and on first glance appears to be a “green” development. However, closer scrutiny of the documents reveals that the scheme is not nearly as “green” as it appears.
- 14.3. The sustainability strategy has been formulated by the Architects; there is no indication that they are suitably qualified to carry out such a report. While they have been acknowledged for their efforts towards carbon neutrality, there is no indication that they have a recognised knowledge base such as ISO 14001 or assessor qualification
- 14.4. Given that Hackney is considered one of the greenest boroughs in London (with Stoke Newington hoping to become a Transition town) and that the application if granted remains open for three years, the council should be thinking about requiring



code 5 minimum housing on a site such as this in line with government targets for reducing carbon emissions by 2020.

14.5. We note that the target requiring all new homes to be carbon neutral (code 6) by 2012, will also fall within the time the application would still be valid. To achieve code 6 an entirely new design would be required. (PPG22 and SCS)

14.6. in contrast to the proposed development, a large scale eco refurbishment of Rosemary Works could be used as a flagship scheme for Hackney Borough. This could be sustainable in the true sense of the word.

## **15 Transport**

15.1. There are a variety of important transport issues that the application raises.

15.2. Branch Place is a narrow, restricted cul-de-sac that would arguably not be suitable for the dramatic increase in traffic that would result from the proposed development. This is particularly relevant given that there is a large nursery at the top, a school at the bottom of the road and the Colville estate running to the south. \* see appendix 1, picture 9

15.3. The travel assessment made as part of the development plan is not complete or accurate as it does not make mention of the development at 29 Branch Place. This scheme at 29 Branch Place was approved before the submission of the planning application for Rosemary Works and therefore must be taken into consideration. Its omission renders all the data in the travel assessment invalid and it therefore should not be relied upon by the council.

15.4. The approved development for 29 Branch Place is for the construction of 23 flats with family units and a commercial space, potentially an increase of up to 100 residents. No parking has been included in this scheme though the need for parking will be clear, leading to unreasonable demands on street parking and hazards for the schools.

15.5. We believe that in a development such as this, that poses such obvious issues, a full and accurate travel plan and assessment must be developed prior to the application being submitted. Only this way, will the community and the council be able to assess the likely implications of the development on transport.

15.6. The proposed development will put even more strain and pressure on the already overcrowded local bus routes. In particular we anticipate that it will exacerbate the difficulties of getting on a bus during the morning rush hours. Already it can be very hard to get on a bus at the local bus stop in rush hours and many buses simply do not stop at all as they are full. This problem will already have been aggravated by the approved development at 29 Branch Place.

15.7. By not actively encouraging live/work, the proposed scheme is in fact encouraging greater travel. Live/work has been highlighted as something to encourage as part of the drive to sustainability; this scheme has a car park. (PPS1 and PPG3/13 objectives)

## 16 Loss of employment

- 16.1. *"We will work with Jobcentre Plus to reduce the number of benefit claimants in the borough, and with the Learning and Skills Council to improve our training and skills development and the qualifications of Hackney residents. We aim to improve the employment rate"* (p14 Team Hackney LAA)
- 16.2. It is clear from our conversations with tenants, and a short survey we performed, that the destruction of Rosemary Works will have a similarly devastating effect on their enterprises and businesses. There are currently more than 40 people employed by enterprises in Rosemary Works, not to mention countless more who are self employed and those who do work for Rosemary Works enterprises on a freelance basis.
- 16.3. Almost all of the tenants have said that they expect that if this application succeeds that they would be forced to relocate out of Hackney:
- "would cease trading, because of lack of cheap workshop space in the area"
  - "effect viability"
  - "would leave Hackney"
  - "Relocate"
  - "relocation"
  - "Would be forced to relocate further out of London"
  - "RELOCATE OUT OF HACKNEY"
- 16.4. Not only would there be a reduction in employment for the tenants and their current employees, there would also be a **reduction in employment opportunities to the community**. Many of the enterprises here employ local people as well as providing opportunities for young people to do work experience and apprenticeships. The nursery, for example takes people with no qualifications and train them to become fully qualified nursery nurses, giving them time to attend courses and complete their paper work. One tenant is training as an NVQ assessor to give young and mature construction workers based in Hackney the chance to gain qualification whilst working.
- 16.5. This will go directly against two of the key LAA indicator targets for the Borough:
- NI 151 "Overall Employment rate"**
- Employment will be lost
- NI 153 "Working age people claiming out of work benefits"**
- If local people loose employment, in this economic climate they may well find it hard to get another job resulting in higher local unemployment
- 16.6. But the economic impact will go beyond this. Many of the enterprises use predominantly local suppliers. For example:
- Fandango, an SME, has a warehouse and workshop at Rosemary Works to store and repair antique and collectable furniture, from where they also design and build interiors. They said: "our clients are city-wide but suppliers are mainly in Hackney". They also indicated that if Rosemary Works was demolished they would most likely have to move out of the Borough.

- Thomas Napper of MonkeyFace Films is a renowned director of commercials, documentaries and feature films. Most recently he was 2<sup>nd</sup> unit director on *Pride and Prejudice* and *Atonement* (several scenes of which were filmed in Hackney and Bethnal Green) the film was nominated for seven Oscars and won best film at the BAFTAS and Golden Globes in 08. Thomas has directed music videos and commercials for some of the UK's biggest corporate clients and brings a huge amount of business into the borough. Thomas has used Hackney as a location on multiple shoots and other projects, *because* it is his home borough and he believes in supporting Hackney where he can. He is currently working on a feature film that could end up being almost entirely shot in the Borough. Filming in Hackney brings lots of trickle down benefit to the wider community and is explicitly encouraged by Hackney council strategies.

## 17 Loss of Small and Medium Enterprises

- 17.1. Small and Medium Enterprises (SME'S) are the lifeblood of Hackney, and are the norm in Rosemary Works.
- 17.2. **No economic impact assessment** was made of the existing building economic activity, and the impacts that this development would have on the largely SME'S that occupy Rosemary Works.
- 17.3. From talking with tenants, it is clear that many, if not most, fear that if Rosemary Works is torn down, they would **likely be forced to re-locate outside of Hackney** as it would be hard to find a similar space in the Borough.
- 17.4. Duty to "*promote true mixed use developments*" inclusive of existing communities. This scheme does not match the diversity of the mixed-use nature of the current building. (27 PPG1)

## 18 Access

- 18.1. We have various concerns around issues relating to access:
- 18.2. Branch Place has very limited highway capacity. The proposed development application does not take into account the recently approved development application for 29 Branch Place with its approved plan for 23 units. \* see Appendix 1, picture 10
- 18.3. Because of the issue of overdevelopment of the site, the proposed development would create unacceptable levels of traffic in and out of Branch Place.
- 18.4. The points we make above about comprehensive development are also relevant to the access issues as a comprehensive development master-plan for the area would enable an appropriate overall road and access package.
- 18.5. Given the presence of the school at the bottom of the cul-de-sac there would be access issues potentially for emergency vehicles should they be required to attend a

child in an emergency. We understand that several of the students at the school have food allergies that could easily require immediate emergency treatment.



## 19 Notices

- 19.1. We believe that the noticing of this application has been miss-managed creating confusion. The whole purpose of Notices are to provide fair and clear information to stakeholders and community members so that they can inform themselves and object to the scheme if they choose to. Incorrect Noticing, invalidates the entire process as, in this case, incorrect and conflicting information has been given.
- 19.2. The original letter to tenants dated 21<sup>st</sup> of April, had a date for responses of May 12<sup>th</sup>. However, to our knowledge, no notice of the application was posted in the street until much later, when a notice was posted which is dated May 11<sup>th</sup> (with 21 days from that date to respond).
- 19.3. This new date and information has unfortunately not been updated onto the council website (which still has the end date listed as May 12<sup>th</sup>), creating further confusion as to the crucial issue of when responses have to be in by.
- 19.4. We are very concerned that this confusion around dates will negatively impact the capacity for stakeholders and community members to submit reasoned and well thought out responses, and further that it will result in the effective exclusion of people who might not respond at all due to mistakenly believing that they have already missed the date to respond.
- 19.5. The omission of the crucial Design and Access Statement as well as the transport assessment and ecology report from the website further compounds the difficulties facing the community in terms of being able to properly assess the proposal and formulate a response. The justification for its absence – “that it was too big a file to



go on the website” makes little common sense, and we feel sure that the size of document should not regulate whether it is made available online to the community. In fact, given that the longer D&A Statements will predictably be for larger developments, it is even more critical that they are displayed on the councils’ website so that they are available to community members to download.

## 20 Loss of a creative cluster

- 20.1. The arts are now Hackney’s biggest business and Hackney is designated as the “Borough of Culture” within London. **Rosemary Works is a creative cluster** of artists that ought to be protected and sustained by the council.
- 20.2. We have chosen to end our submission with this section on the **loss of a creative cluster of rich diversity**. This is not because we think that this is, in any way, the least of the reasons for the council to turn down this application – far from it. It is because we want the council to finish reading our document by appreciating what we bring to Hackney in terms of creativity and artistic endeavor, and what will be lost if this application is approved.
- 20.3. Below we quote from the Creative Policy Framework Document. This is incredibly relevant to this application as if this development gets approval Hackney will be driving away the very creative industries it is trying to court.

*“A strength of the cultural and creative industries (CCIs) in Hackney is the synergies that exist between community arts organisations, artist practitioners and the creative industries. One of the reasons that Hackney became a prime location for the creative industries was the creativity and skills that existed through the high number of practicing artists and community arts organisations; as the creative industry sector grew it provided practitioners and organisations with a local market for their skills.*

*However, large parts of the existing cultural base are coming under increasing pressure from demands for higher rents. The result is a large number of existing practitioners and organisations facing property pressures and new practitioners finding affordable studio space almost impossible to obtain. Indeed significant numbers of practitioners operate from their domestic premises because space is not affordable in their early development days.”*

- 20.4. The Council will work with the cultural and creative industries to identify and support the needs of providers and consumers.”

*“One of the opportunities we must utilise is the ‘joined-up’ approach between Council services. Cultural and creative industries have a major role in contributing to wider agendas in Hackney by adding value and providing fresh and creative approaches.”*

- 20.5. This is indicated in Hackney’s Community Strategy ‘Mind the Gap’ where **cultural Activities are crosscutting to all six themes**. The Community Strategy’s aim for culture is:

*“To promote Hackney’s reputation as a centre for arts, culture and entertainment, to encourage people to live, visit and do business here.*

**To provide support to artistic and cultural activities in the borough and build local pride."**

20.6. *"This aspiration underpins this policy framework and highlights how cultural activities can contribute to other Council agendas like economic regeneration, safer communities and educational attainment. Cultural activities contribute to the Community Strategy themes of: A Good Place to Grow Up; Thriving and Healthy Communities; and Dynamic and Creative Economy; as well as Equalities and Diversity. For example, arts organisations working with children meet a number of the Community Strategy themes. By enthusing children, developing creativity and raising self-esteem they can contribute to improving educational achievement."*

20.7. *"Participation in cultural activities provides **positive opportunities of engagement for young people** and can cut petty crime and vandalism levels. Engagement with cultural activities has been shown as a way of improving mental health, which is a major health issue in our borough. Public art, properly commissioned and used, improves the local environment, showcases Hackney talent, raises an area's profile as an interesting place to visit and gives a sense of pride and place to local people. This framework is a key component to strengthen and link art and culture across Hackney and for getting our strategic partners to think about how culture can help the way they deliver their services."*

20.8. Listed priorities included:

- *"**Facilitate the development of the Creative Clusters** to enable them to develop capacity and access funding"*
- *"Work in **partnership across the authority to develop a strategic approach through supplementary planning guides** to support the cultural and creative industries"*
- *"Support the **development of incubators for new cultural and creative businesses**"*
- *"Provide **business support** and capacity building to small and medium enterprises"*
- *"Build a **stronger base of cultural activity** in the borough"*

20.9. The policy framework concludes:

*"We have indicated our **strong support for the cultural and creative industries throughout this policy**. It is important that we articulate our role in their development - as a **facilitator** to provide the opportunities for the sector to flourish, as an **enabler** to nurture and support the sector and as a broker of partnership working."*

## Appendix 1 Photographs of Rosemary Works



\* PIC 1 The old bridge-head building



PIC 2 View from Branch Place, facing west



**PIC 3** View from north of the canal



**PIC 4** Canal boat & floating garden





**\* PIC 5-6** Biodiversity comparison study. Top: Rosemary works, bottom: west of the bridge, near Gainsborough Studios





\* PIC 7-8 Proximity to Colville estate



\* **PIC 9** Street view from Branch Place, facing west.



\* **PIC 10** Cul-de-sac at the end of Branch Place. Planning permission for 29 Branch Place (Red Building) granted recently.



Mr Anthony Traub  
Planning Service  
263 Mare Street  
E8 3HT

May 14<sup>th</sup> 2009

Dear Mr Traub,

**RE: Planning Application for the Rosemary Works Building; Number 2009 / 0765 and 2009 / 0772**

We write to you in respect of the above application and request that the application be withdrawn at this stage. We firmly believe that the application as stands is in breach of the London Borough of Hackney's Development Framework and in particular the Statement of Community Involvement (SCI). As such it should not be allowed to proceed; and further, if it were to proceed, any decision made on it would ultimately be flawed.

It is our understanding that the Planning Act (2008) and Compulsory Purchase Act (2004) require a "frontloading" approach with the use of effective consultation. This has not happened in the above application, and the minimum requirements for community involvement (as set out in the LB Hackney's SCI) have not been met. In fact, it is our submission that none of the required community involvement activities as outlined in the SCI under the "key stakeholder engagement" phase actually occurred. Contrary to the representation made in the Design and Access Statement, there was absolutely no consultation with the current tenants of the building about the proposed development. Only one tenant (out of the many long and short term tenants) was spoken to in any way about the proposed development, ~~however~~ this was a long time ago and took the form of general background conversations which could not be accurately represented as consultation on the proposed development plan itself. For the other tenants, the first they heard about it was when a letter arrived from the Council at the end of April 2009 followed by posted notices in the second week of May.


A development of this size, in such a critical location, demands effective community involvement in the planning process for very good reason. We believe that any consultation regarding the development of Rosemary Works should be effective and wide ranging, and include the residents of the neighbouring estates (Colville and De Beauvoir) as well as of course the current building tenants and other stakeholders such as British Waterways. We do not in any way accept the argument put forward in the Design and Access Statement that the residents of the Colville Estate were not consulted as it *"may result in objections from residents who may not actually be opposed to the scheme."* This represents a clear attempt to avoid consultation with the local community by assuming that they are not capable of knowing if they are genuinely objecting to the development application or not. We were surprised to read in the Design and Access Statement that this avoidance of consultation was made under guidance from LB Hackney, as we believe it runs counter to LB Hackney policies around community involvement (both in the planning context and the wider community involvement agenda).

In addition to the above point, we also wish to mention that we feel that the noticing of this application has been somewhat confusing. The original letter to tenants dated 21<sup>st</sup> of April, had a date for responses of May 12<sup>th</sup>. However, to our knowledge, no notice of the application was posted in the street until very recently, when a notice was posted which is dated May 11<sup>th</sup> (with 21 days from that date to respond). This


Community members are expressing a wide variety of objections to the proposed application, in relation to important planning issues. If this request to have the application withdrawn is not granted, we will require the full responses period up to the 31<sup>st</sup> of May.

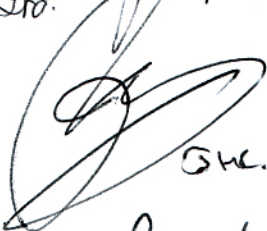
Sincerely

Sincerely

Laurent Walker 

Deputy Manager Thomas Ngogwe

Rosemary Walker C/o  Road  
Lto.

  
SHE.

Dan Davis



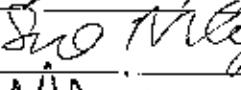
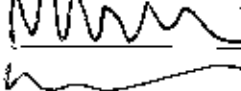

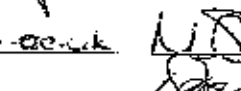
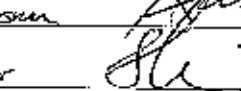
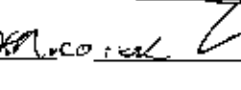
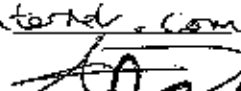


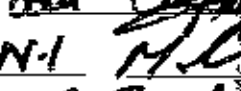
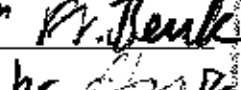
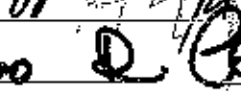
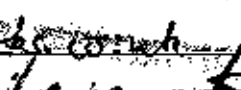






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Bill  
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Councilor Gulay Icoz  
Councilor Christopher McShane  
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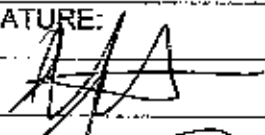
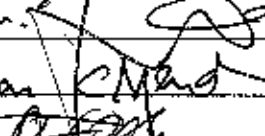
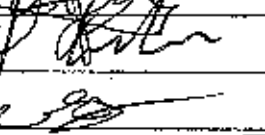
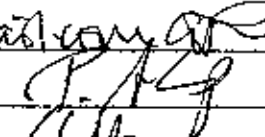
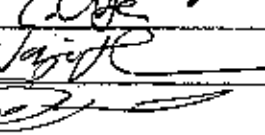
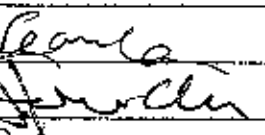
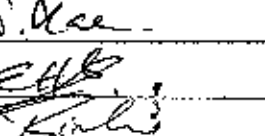
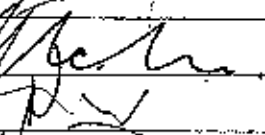
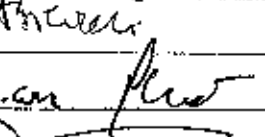
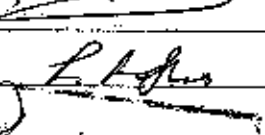
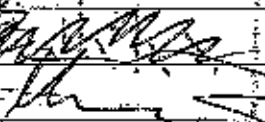




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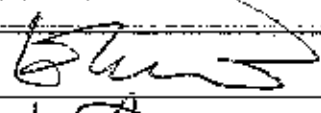
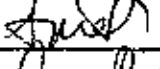

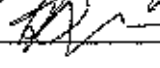
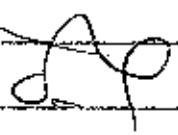

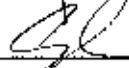



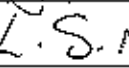
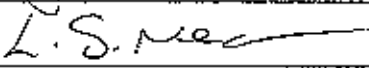
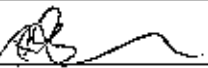

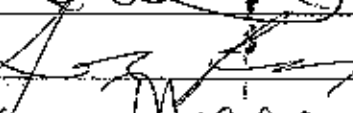
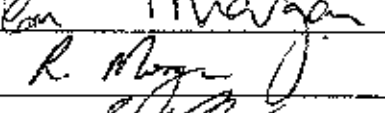
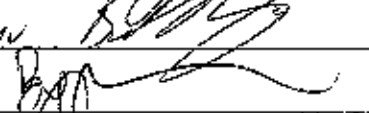

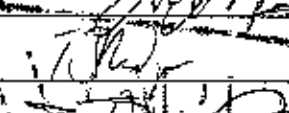




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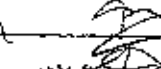
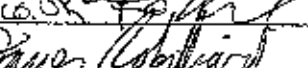
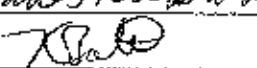
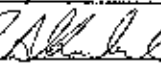
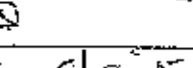



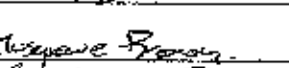
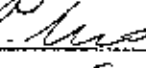

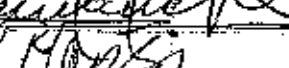
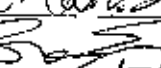
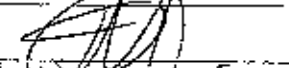

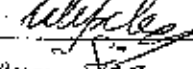
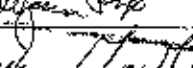
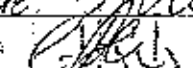
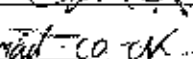
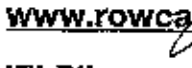



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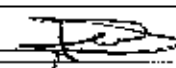

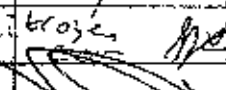
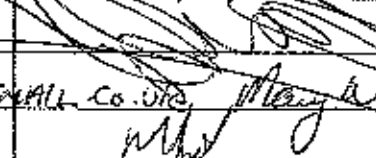
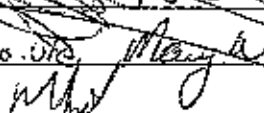
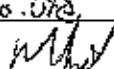


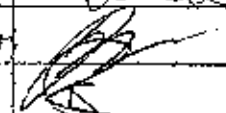

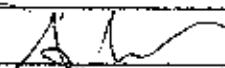
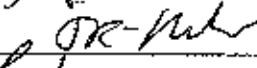
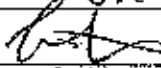
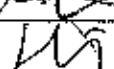

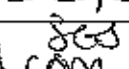

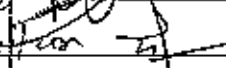


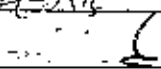
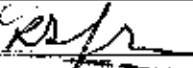
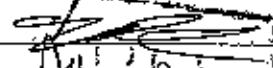
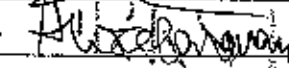
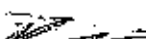
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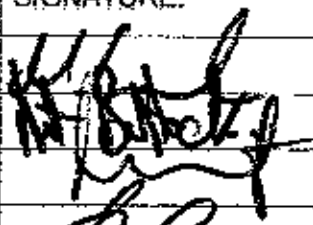
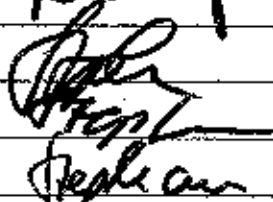
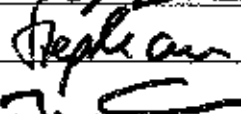
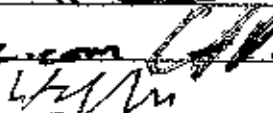
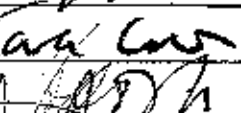
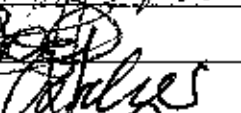
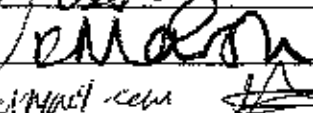


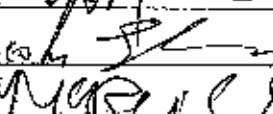
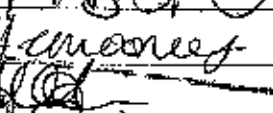
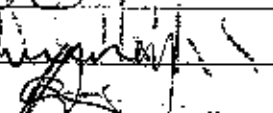
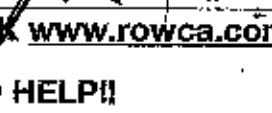




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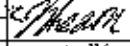

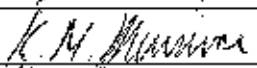
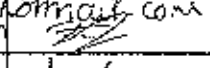
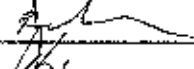
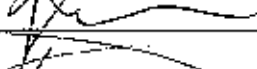



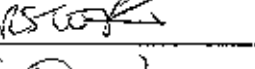
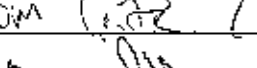
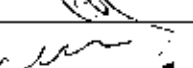

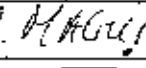
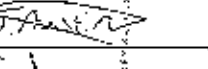
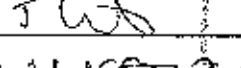
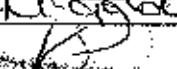

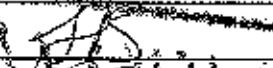
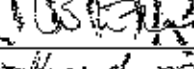



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